

Appl. No. 10/050,378  
Amdt. dated 5/19/05  
Reply to Office Action of 1/19/05

PATENT

### **REMARKS**

Claims 1-21 remain pending in the application. Applicant, by this paper, amends claims 1, 6, 10, 15, and 19 and presents claims 1-21 for reconsideration and allowance.

#### **Discussion of Objections to the Specification**

The Examiner objects to the title as not descriptive. Applicant amends the title to reflect the suggested title presented by the Examiner, with the additional reference to the method. The new title reads --INTERACTIVE SPEECH RECOGNITION APPARATUS AND METHOD WITH CONDITIONED VOICE PROMPTS--. Applicant believes the new title overcomes the Examiner's objections.

The Examiner also objects to the disclosure because the term "voice recognition" is used throughout, and the Examiner contends that the proper term should be "speech recognition." Applicant respectfully disagrees with the Examiner's contention that there is such a definite distinction between the terms "voice recognition" and "speech recognition."

In the context of a wireless device operating in conjunction with a wireless telephone system, as described in embodiments of the disclosure, the term "voice recognition" is widely used today to refer to the identification of an audio input, in particular, to identifying a voice command. Therefore, Applicant believes that it is not necessary to replace occurrences in the disclosure of the term "voice recognition" with the term "speech recognition."

#### **Discussion of Objections to the Claims**

Claims 1, 4, 6, 7, 10, 13, 15, 16, 19, and 20 were objected to for including the phrase "voice recognition." The Examiner contends that the preferred phrase should be "speech recognition."

As discussed above, the type of signal processing described in Applicant's specification and included in the claims is commonly referred to as "voice recognition." In particular, devices such as wireless telephones having the signal processing capability are widely referred to as having

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"voice recognition" capability. Thus, Applicant believes that the claims use the phrase "voice recognition" in a manner that is consistent with modern usage and understanding.

Applicant believes that the distinction between "voice recognition" and "speech recognition" is not as marked as argued by the Examiner. Therefore, Applicant has not, at this time, amended the claims to change the phrase "voice recognition" to read "speech recognition."

### **Discussion of Rejections Under 35 USC §102(b)**

Claims 1-20 were rejected under 35 USC 102(b) as allegedly anticipated by International Publication No. WO 98/24225 to Johnston (hereinafter Johnston).

In order for a reference to anticipate a claim, the reference must teach every element of the claim. Applicant amends the claims and respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) to Johnston, because the reference fails to set forth, either expressly or inherently, every element of the claims.

Claims 1, 6, 10, 15, and 19 are amended to recite the feature that the first and second frequency bands correspond to conjugate frequency bands selected from a plurality of conjugate frequency band sets based on an operating mode. As an example, the operating mode could be hands free operation in a car. Support for the amendments can be found, for example, at paragraph [00028] in Applicant's specification. No new matter is added by the amendments.

Johnston fails to describe a plurality of conjugate frequency band sets and fails to describe or even suggest that conjugate frequency bands be selected from a plurality of conjugate frequency band sets. Therefore, Johnston fails to describe or suggest selecting conjugate frequency bands based at least in part on an operating mode.

Johnston does not anticipate any of claims 1, 6, 10, 15, and 19, because each of claims 1, 6, 10, 15, and 19 includes a similar feature directed to a plurality of conjugate frequency band sets and selecting conjugate frequency bands based at least in part on an operating mode and Johnston fails to describe or suggest the claimed features. Applicant respectfully requests reconsideration and allowance of claims 1, 6, 10, 15, and 19.

Claims 2-5, 7-10, 11-14, 16-18, and 20 depend, either directly or indirectly from one of claims 1, 6, 10, 15, and 19 and are believed to be allowable at least for the reasons that they depend from an allowable base claim. Applicant respectfully requests reconsideration and allowance of claims 2-5, 7-10, 11-14, 16-18, and 20.

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### Discussion of Rejections Under 35 USC §103(a)

Claim 21 was rejected under 35 USC §103(a) as allegedly unpatentable over Johnston in view of U.S. Patent No. 6,760,699 to Weerackody, et al. (hereinafter Weerackody).

In order to establish a prima facie case of obviousness, the prior art references must teach or suggest all claim limitations. There must be some suggestion or motivation to modify the reference or combine the reference teachings. Also, there must be a reasonable expectation of success in the combination or modification. Applicant respectfully requests withdrawal of the rejections because the references, either alone or in combination, fail to teach or suggest all claim limitations, and there is no motivation to modify the references in a manner that provides for the missing claimed features.

Claim 21 depends from claim 19. Claim 19 recites a "remote device for providing remote communication and interactive voice recognition." The remote device comprises "a voice prompt generator configured for generating voice prompt in a first frequency band, and a speech detector configured for detecting presence of speech energy in a second frequency band, wherein said first and second frequency bands are essentially *conjugate frequency bands selected from a plurality of conjugate frequency band sets based at least in part on an operating mode of the remote device.*" (*emphasis added*). As described above, Johnston fails to teach or suggest having conjugate frequency bands selected from a plurality of conjugate frequency band sets, and also fails to describe the conjugate frequency bands selected based at least in part on an operating mode of the remote device. Weerackody also fails to disclose these features of claim 19.

Weerackody does not provide any discussion of differing frequency bands nor of conjugate frequency bands. Thus, Weerackody fails to provide any description of the claimed features lacking from the Johnston reference. Because each of the cited references fails to describe at least some of the same features of claim 19, the combination of the cited references fails to teach or suggest all of the claimed features. Thus, claim 19 is believed to be allowable over the combination of Johnston with Weerackody, because the references, either alone or in combination, fail to teach or suggest all of the claimed features.

Claim 21 depends from claim 19 and is believed to be allowable at least for the reason that it depends from an allowable base claim. Applicant respectfully requests reconsideration and allowance of claim 21.

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### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-845-8450.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated  
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5/19/05

By:



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